

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

MAY 12 2008

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 15 2008

APR 24 2008

FILED  
CLERK'S OFFICE

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH, CLERK

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION

MDL No. 1938

*HEREBY CERTIFY that the above copy  
is a true and correct copy of  
the original on file in my office*

(SEE ATTACHED SCHEDULE)

ATTEST:

WILLIAM T. WALSH, Clerk  
United States District Court  
District of New Jersey

CONDITIONAL TRANSFER ORDER (CTO-1)

By ..... JOHN ICKLAN

On April 8, 2008, the Panel transferred 21 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Dennis M. Cavanaugh.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Cavanaugh.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of April 8, 2008, and, with the consent of that court, assigned to the Honorable Dennis M. Cavanaugh.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Luthi  
Clerk of the Panel

A CERTIFIED TRUE COPY

MAY 12 2008

ATTEST: *Dennis M. Stone*  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

<b><u>DIST. DIV. C.A. #</u></b>	<b><u>CASE CAPTION</u></b>
ALABAMA MIDDLE ALM 2 08-129	John D. Swindall v. Merck & Co., Inc., et al.
ALABAMA NORTHERN ALN 1 08-279 ALN 2 08-134	Thomas L. Sizemore v. Merck & Co., Inc., et al. Constantine Kanakis, et al. v. Merck & Co., Inc., et al.
ARKANSAS EASTERN ARE 4 08-86 ARE 5 08-42	John H. Stanley, Jr. v. Merck & Co., Inc., et al. Juanita Sloan v. Merck & Co., Inc., et al.
ARIZONA AZ 2 08-360	Robert S. Leyin v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
CALIFORNIA CENTRAL CAC 2 08-1038 CAC 2 08-1499	Glenda Morgan v. Merck & Co., Inc., et al. Ronald Dossey v. Merck & Co., Inc., et al.
CALIFORNIA EASTERN CAE 2 08-355	Carolyn Boyle v. Merck & Co., Inc., et al.
CALIFORNIA NORTHERN CAN 4 08-929	Mircea Muresan v. Merck & Co., Inc., et al.
DELAWARE DE 1 08-176	Elaine Hawk v. Merck & Co., Inc., et al.
FLORIDA MIDDLE FLM 6 08-153 FLM 6 08-178	Alma Hooks, et al. v. Merck & Co., Inc., et al. Stephen Greenwell v. Merck & Co., Inc., et al.
FLORIDA NORTHERN FLN 5 08-58	Jean T. Smith v. Merck & Co., Inc., et al.
FLORIDA SOUTHERN FLS 1 08-20317	Moises Selesky v. Merck & Co., Inc., et al.
GEORGIA NORTHERN GAN 1 08-309 GAN 1 08-417	Dewey Eugene Keith, et al. v. Merck & Co., Inc., et al. Gregory Flynn v. Merck & Co., Inc., et al.

**MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
IOWA NORTHERN IAN 2 08-1007	Donald Pierce, et al. v. Merck & Co., Inc., et al.
IOWA SOUTHERN IAS 1 08-13 IAS 4 08-81	James A. Pratt v. Merck & Co., Inc., et al. Donna Greenley v. Merck & Co., Inc., et al.
ILLINOIS SOUTHERN ILS 3 08-67 ILS 3 08-163 ILS 3 08-191	Christina Robin Wallace, et al. v. Merck & Co., Inc., et al. Mary Trebilcock v. Merck & Co., Inc., et al. Jerry Kee, et al. v. Merck & Co., Inc., et al.
INDIANA SOUTHERN INS 1 08-210 INS 1 08-335 INS 1 08-470	June Wilkins v. Merck & Co., Inc., et al. Rick Lane v. Merck & Co., Inc., et al. Edna Appel v. Merck & Co., Inc., et al.
KANSAS KS 2 08-2163	Lois Roberta Bowers v. Merck & Co., Inc., et al.
LOUISIANA EASTERN LAE 2 08-784 LAE 2 08-1235	Kelly Fontana, et al. v. Merck & Co., Inc., et al. Louisiana Health Service & Indemnity Co., etc. v. Merck & Co., Inc., et al.
MASSACHUSETTS MA 1 08-10109	Edward Arasimowicz v. Merck & Co., Inc., et al.
MARYLAND MD 1 08-860	Mitchell Peiser v. Merck & Co., Inc., et al.
MAINE ME 2 08-58	Barry Zimmerman v. Merck & Co., Inc., et al.
MINNESOTA MN 0 08-220	Daniel L. Tollefson, Sr. v. Merck & Co., Inc., et al.
MISSOURI EASTERN MOE 4 08-123 MOE 4 08-295 MOE 4 08-308 MOE 4 08-315	Chong Badgley v. Merck & Co., Inc., et al. William G. Krejci v. Merck & Co., Inc., et al. Robert L. Scheu v. Merck & Co., Inc., et al. Timothy J. Leyes, Sr. v. Merck & Co., Inc., et al.

**MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)****DIST. DIV. C.A. #****CASE CAPTION****MISSOURI WESTERN**

MOW 2	08-4021	Steve Dillon, et al. v. Merck & Co., Inc., et al.
MOW 4	08-145	Marie Maley v. Merck & Co., Inc., et al.
MOW 4	08-153	Beverly Walden v. Merck & Co., Inc., et al.
MOW 4	08-172	Anthony Neland v. Merck & Co., Inc., et al.
MOW 4	08-187	Wei Chan v. Merck & Co., Inc., et al.
<b>MOW 6</b>	<b>08-3119</b>	<del>John Grant, et al. v. Merck/Schering-Plough Pharmaceuticals, et al.</del> Opposed 5/9/08

**MISSISSIPPI SOUTHERN**

MSS 2	08-74	Iley Joe Payne v. Merck & Co., Inc., et al.
MSS 5	08-10	Roy Davis v. Merck & Co., Inc., et al.

**MONTANA**

MT 6	08-18	Janet Lamping v. Merck & Co., Inc., et al.
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**NORTH CAROLINA WESTERN**

NCW 3	08-66	Susan Bodnar v. Merck & Co., Inc., et al.
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**NEBRASKA**

NE 8	08-147	Robert Stanley v. Merck & Co., Inc., et al.
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**NEW MEXICO**

NM 6	08-89	Reverend John Carl Adams v. Merck & Co., Inc., et al.
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**NEVADA**

NV 3	08-64	Bruce J. Bitter, et al. v. Merck & Co., Inc., et al.
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**NEW YORK EASTERN**

NYE 2	08-344	Andrew Schwaeber v. Merck & Co., Inc., et al.
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**OKLAHOMA EASTERN**

OKE 6	08-110	Sharon Loeffler v. Merck & Co., Inc., et al.
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**PUERTO RICO**

PR 3	08-1206	James Cumba, et al. v. Merck & Co., Inc., et al.
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**SOUTH CAROLINA**

SC 0	08-518	Gloria Brown v. Merck & Co., Inc., et al.
SC 3	08-318	Jeffrey D. Morgan, M.D. v. Merck & Co., Inc. et al.

**TENNESSEE EASTERN**

TNE 1	08-33	Evelyn Igou, et al. v. Merck & Co., Inc., et al.
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**MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
TENNESSEE WESTERN TNW 1 08-1043	Gary Lackey v. Merck & Co., Inc., et al.
TEXAS EASTERN TXE 9 08-19	Robert S. Love v. Merck & C., Inc., et al.
TEXAS SOUTHERN TXS 2 08-34 TXS 3 08-84	Roberto DeLeon v. Schering-Plough Corp., et al. James J. Janik v. Merck & Co., Inc., et al.
WEST VIRGINIA SOUTHERN WVS 3 08-162 WVS 3 08-195	Virginia Miller, et al. v. Merck & Co., Inc., et al. Debra Lynn Lewis, et al. v. Schering-Plough Pharmaceuticals, Inc., et al.